



# Delaware Nutrient Management



## The Delaware Nutrient Management Commission Minutes of the Full Commission Meeting Held November 13, 2007

### In attendance:

<i>Commission Members Present</i>	<i>Others Present</i>		
B. Vanderwende – Chair	J. Baxter	P. Hansen	R. Mast
M. Adkins	M. Brown	S. Hollenbeck	S. Peterman
D. Baker	B. Coleman	C. Klein	C. West, Sr.
R. Baldwin	P. Diehl	V. Lynch	E. Thompson
F. Kenneth Blessing	H. Elbaf	O. Mast	
J. Elliott			
A. Johnson			
T. Keen			
C. Larimore			
J. Manchester			
B. O'Neill	<i>Ex-officios Present</i>		
C. Solberg	W. Rohrer	G. Llewellyn	
R. Sterling	M. Cooke		
C. West			
<i>Commission Members Absent</i>			

*This meeting was properly notified and posted as required by law.*

### Call to Order/Welcome:

Chairman Bill Vanderwende called the meeting to order at 7:00 p.m. and welcomed everyone in attendance.

### Approval of Minutes:

**J. Elliott motioned to accept the minutes of the October 09, 2007 Full Commission Meeting.**

**K. Blessing seconded the motion which passed unanimously.**

### Discussion and Action Items:

#### *Review and Act on Research and Demonstration Proposals:*

There was a short discussion dealing with G. Johnson's proposal on recovering nutrients from derelict poultry houses. The only way that construction of a new poultry house can occur over the existing spot is if there has been a fire. There has not been a lot of research done in this area and B. Rohrer feels that it is a warranted project.

**J. Elliott motioned to approve the \$17,465.95 grant to G. Johnson project.**

**C. Larimore seconded the motion which passed unanimously.**

#### *Review and Act on CAFO-EPA Meeting:*

Peder Hansen (DNREC), Bill Rohrer (DNMC), Dave McGuigan (EPA), and Hank Zygmunt (EPA) met to establish a process to identify talking points between Delaware and the EPA. Some target talking points are:

- CAFO permit coverage in Delaware
- EPA wants to be involved with an implementation strategy for outdoor storage issues
- EPA wants to be involved with an implementation strategy for application setback issues

They want to increase their relationship with the DNMC, but are not ready yet for a public forum. C. West asked what power the Commission has to enforce the program's CAFO regulations. B. Rohrer explained that there are 2

phases of enforcement: 1) hearing process which is conducted when there is a violation of state law or CAFO regulation; 2) DNREC Environmental Control Officer would go out and suspend operations.

B. Rohrer suggested that one or more Commissioners attend the next EPA meeting. It was decided that a panel of 3 could furnish a report to the entire Commission, yet would have no decision-making power as a panel.

**D. Baker motioned that the Commission authorize the Chairman to appoint two to three people to this ad-hoc committee, and further that the appointees represent both the skeptical side of the argument and also the desire for positive outcome. Any discussion would either be directed to the Committee by those delegates for consideration by the Full Commission.**

**J. Manchester seconded the motion.**

There was further discussion after the motion regarding EPA. Peder Hansen (DNREC), summarized as follows:

- The group to meet with EPA is miles apart to a couple of feet apart on a number of issues. The ad-hoc committee would start with those closer issues, and work toward the ones that we are farthest apart on. This would be discussion only; any action comes from the full commission.
- CAFO permits are recognized by Delaware only. The EPA has not given approval of the Delaware CAFO program. Therefore, Delaware CAFOs are not recognized as NPDES permitting.
- Our goal should be to minimize EPA duplication of Delaware's program. EPA wants to make sure that Delaware has its program in order before they endorse it.
- EPA cannot pick who runs our program...that up to the State of Delaware to decide.

C. West feels that a chicken farmer doesn't get the same respect that a drug dealer gets. C. Larimore cannot vote for a watered down version of an EPA meeting. There was further discussion, and it was mentioned that a summary of such meetings needs to be brought to the Full Commission. Further, it was determined that the "summary" is defined as meeting minutes. D. Baker said that he would want the EPA members to be instructed that the delegates of the Commission will meet with and discuss the meeting with the Full Commission. If the EPA is not all right with that, the delegates should excuse themselves from the meeting.

M. Cooke restated the motion on the floor: **D. Baker motioned to delegate Chairman Vanderwende to appoint three members of the Commission reflecting both positions on the issue, to meet with the EPA with the idea that the discussions from those meetings be directed back to the Commission, with Subcommittee full deliberation before any commitments are made, and that a summary or meeting minutes of the meeting will be provided to the Commission. And that the EPA members will be informed at the beginning of the meeting that the Commission members present will be reporting back with a summary of the meeting and if that is a problem for the EPA, then the Commission members are instructed to leave the meeting. The vote was not unanimous, C. West and C. Larimore voted no. The motion carried.**

#### **Subcommittee Reports:**

The Environmental Stewardship Program will undergo a few changes this year:

- There will be 3 recipients
  - Poultry – nominated by poultry companies and DPI
  - General Farming – nominated by the Conservation Districts
  - Non-Agricultural – nominated by DNMC program staff
- Winners will be announced during Ag Week at a luncheon on January 10
- Ag Winners will receive \$500 each, a lane sign and plaque. Non-ag winner will receive a plaque.

T. Keen gave Technology Subcommittee update: would like to encourage cover crop use and will recommend to Conservation Districts and DNREC that an additional \$10/acre payment could be given to those that applied chicken litter the previous Spring. Arrange for Scudlark presentation in the near future. Ask staff to approach DNREC with regard to using high Nitrogen well water (as identified by DNREC) as irrigation source. The Nutrient Balance Index will be included in the Annual Report in the future.

**J. Manchester motioned to encourage increased cover crop funding by sending letter to budget hearing by Thursday.**

**D. Baker seconded the motion, which carried. R. Baldwin recused himself from the vote.**

D. Baker summarized the Planning Committee meeting.

#### **Administrator's Report:** *Refer to the attached Administrator's Report*

B. Rohrer explained the Administrator's Report, and noted newsletters which are in the works to be sent out in the near future.

**Public Comments:**

J. Baxter spoke and expressed his disappointment with the way the DNMC is handling the EPA. He feels the congressional offices need to be more involved and actively opposing EPA's actions in Delaware. He does not support any meeting with EPA where discussions stay in the room. He would like to see the Commission take a stronger stance against the EPA.

**Next Meeting:** The next scheduled meeting will be December 11, 2007 at 7:00 p.m.

**Adjournment:** Chairman Vanderwende adjourned the meeting at 8:38 p.m.

Approved,

B. Vanderwende, Chair  
Delaware Nutrient Management Commission

BRR/psd